



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE February 3, 2006 LOCAL EFFECTIVE DATE February 17, 2006 APPROX FINAL EFFECTIVE DATE March 10, 2006	CONTACT/PHONE Murry Wilson (805) 788-2352	APPLICANT Mitch and Manya Choboian	FILE NO. DRC2004-00109
SUBJECT Request by Mitch Choboian for a Minor Use Permit / Coastal Development Permit to allow a second story addition of approximately 242 square feet to an existing 1,166 square foot single family residence. The project will result in the no new disturbance of the parcel. The proposed project is within the Residential Single Family land use category and is located at 28 21 st Street in the community of Cayucos. The site is in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2004-00109 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class One Categorical Exemption was issued on July 14, 2005 (ED05-020).			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Small Scale Neighborhood, Archaeological Study Area, Local Coastal Plan	ASSESSOR PARCEL NUMBER 064-235-002	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Height Limits, Setbacks, Gross Structural Area, Deck Rail Height, Parking, Driveway Width <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program, Archaeologically Sensitive Area <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

EXISTING USES: One story residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family / residence <i>South:</i> Residential Single Family / residence <i>East:</i> Residential Single Family / residence <i>West:</i> Residential Single Family / residence	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Cayucos Citizen's Advisory Group, Public Works, Cayucos Fire Department, Cayucos Sanitary District, Paso Robles Beach Water Association, Community Liaison, and the California Coastal Commission.	
TOPOGRAPHY: Flat to gently sloping	VEGETATION: Non-native landscaping
PROPOSED SERVICES: Water supply: Paso Robles Beach Water Association Sewage Disposal: Cayucos Sanitary District Fire Protection: Cayucos Fire Department	ACCEPTANCE DATE: November 14, 2005

PLANNING AREA STANDARDS:

Front Setback: For two story construction, the minimum front lower floor setback is 15 feet for lots in the Paso Robles Beach area, the minimum front second floor setback is an additional 3 feet from the lower wall except open rail, uncovered decks are excluded from this additional setback and may extend to the lower floor wall. *The project complies with this standard. The proposed second story addition will occur in the rear half of the residence (~46 feet from the front property line).*

Side Setback: For two story construction, the minimum side setback for the lower floor is 4 feet. For the second floor side setbacks, a minimum of 2 ½ feet greater than the lower floor setback is required. Thirty percent of the upper story side wall may align with the lower floor wall provided it is within the rear two-thirds of the structure. The existing residence has a three foot side yard setback (legal non-conforming – established as a one story residence) and no new development will occur on the first floor of the residence. Additionally, the second story addition will be setback 3 ½ feet to meet the intent of the small scale design standards for a total of 6 ½ feet from the property line at the second story building line. *The project complies with this standard.*

Rear Setback: 10 feet required. *The project complies with this standard with a 10 foot setback.*

Building Height: Proposed structures are not to exceed 24 feet as measured from the centerline of the fronting street. Roof height between 18 and 22 feet shall have a roof pitch of at least 4:12. *The building height of the proposed residence complies with this standard at approximately 21 feet 6 inches with a roof pitch of 4:12 to match the existing single family residence.*

Gross Structural Area: For lots between 2900-4999 square feet, 55% of the lot is usable for a maximum structural area of 2,500 square feet (1,650 square feet for this project site based on a 3,000 square foot lot). *The project complies with this standard, consisting of 1,650 square feet of gross structural area.*

Deck Rail Height: Rail heights for decks above the ground floor shall not exceed 36 inches. A maximum additional height of 36 inches of untinted, transparent material with minimal support members is allowed. *The project complies with this standard.*

Parking: At least one off-street parking space shall be enclosed with an interior space a minimum size of 10 feet by 20 feet, and a maximum of one required off-street parking space may be located in the driveway within the required front yard setback area. *The project complies with this standard with one enclosed parking space and one parking space on-site.*

Driveway Width: Driveway widths may not exceed 18 feet. *The project complies with this standard.*

LAND USE ORDINANCE STANDARDS: The project is consistent with the Land Use Ordinance as conditioned.

Archaeological Study Area: No addition ground disturbance will occur with the development of this project (second story addition) therefore no additional archaeological mitigation is required.

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

COASTAL PLAN POLICIES:

Shoreline Access: ☒ N/A
Recreation and Visitor Serving: ☒ N/A
Energy and Industrial Development: ☒ N/A
Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A
Environmentally Sensitive Habitats: ☒ N/A
Agriculture: ☒ N/A
Public Works: ☒ Policy No(s): 1
Coastal Watersheds: ☒ Policy No(s): 7, 8, 9 and 10
Visual and Scenic Resources: ☒ Policy No(s): 2, 5, 6 and 8
Hazards: ☒ N/A
Archeology: ☒ Policy No(s): 6
Air Quality: ☒ N/A

COASTAL PLAN POLICY DISCUSSION:

Public Works:

Policy 1: Availability of Service Capacity: The project consist of a minor remodel and addition to an existing single family residence. The project has clearance from the Cayucos Sanitary District and Paso Robles Beach Water Association.

Coastal Watersheds:

Policy 7: Siting of new development: The proposed project is consistent with this policy because the residence will not be located on slopes over 20% and it is not in an environmentally sensitive habitat area.

Policy 8: Timing of new construction: The proposed project is consistent with this policy because the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Policy 9: Techniques for Minimizing Sedimentation: The proposed project is subject to CZLUO Section 23.05.036 and appropriate control measures will be used to minimize erosion and sedimentation.

Policy 10: Drainage Provisions: The drainage plan will ensure that drainage does not increase erosion.

Visual and Scenic Resources:

Policy 2: Site Selection for New Development: The proposed project is consistent with this policy because the public view of the ocean from Highway One and local streets are not being further limited.

Policy 5: Land-form Alteration: Grading, earthmoving, major vegetation removal and other land-form alterations within public view corridors will be minimized. The lot is flat.

Policy 6: Special Communities and Small-Scale Neighborhoods: The proposed project meets the community small scale neighborhood design standards and is therefore consistent with the character and intent of the Cayucos community small scale design neighborhood.

Policy 8: Utility Lines within View Corridors: Where feasible, utility lines within public view corridors should be placed underground whenever their aboveground placement would inhibit or detract from ocean views. In all other cases, where feasible, they shall be placed in such a manner as to minimize their visibility from the road.

Archeology:

Policy 6: Archaeological Resources Discovered During Construction or through Other Activities: If substantial resources are discovered during construction of new development, or through non-permit related activities, all activities shall cease until a qualified archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: Recommend approval if there are no concerns with fire department.

AGENCY REVIEW:

Public Works - Recommend approval, no concerns.

Paso Robles Beach Water Association – No comment.

Cayucos Fire Department – No problems with project.

California Coastal Commission – No Comment

LEGAL LOT STATUS:

The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Murry Wilson and reviewed by Matt Janssen.

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class One) pursuant to CEQA Guidelines Section 15301 because the project is an addition to an existing single family residence.

Minor Use Permit

- B. The proposed project or use is consistent with the Local Coastal Program and the Land Use Element of the General Plan.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project meets the requirements of the small scale neighborhood design standards and will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because this project is an interior remodel and addition to an existing single family residence and no extra traffic will be generated with this project.
- G. There are sufficient services to serve the proposed development since this project is located within the existing Urban Service Lines where urban services are expected to be delivered.

Coastal Access

- H. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Archeological Sensitive Area

- I. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because no new ground disturbance activities will occur with the development of this project.

Small Scale Neighborhood

- J. The proposed project meets the community small scale neighborhood design standards and is therefore consistent with the character and intent of the Cayucos community small scale design neighborhood.
- K. Public view of the ocean from Highway One or the respective neighborhood are not being further limited.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes:
 - a. a 242 square foot addition to an existing single-family residence creating a 1,650 square foot residence.
 - b. a maximum height of 24 feet (as measured from center line of the fronting street).

Conditions required to be completed at the time of application for construction permits

Site Development

2. Plans submitted shall show all development consistent with the approved site plan, floor plans and architectural elevations.

Fire Safety

3. All plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code and Cayucos Fire Department.

Services

4. The applicant shall provide a letter from Paso Robles Beach Water Association stating they are willing and able to service the property.
5. The applicant shall provide a letter from Cayucos Sanitary District stating they are willing and able to service the property.

Conditions to be completed prior to issuance of a construction permit

Fees

6. The applicant shall pay all applicable school and public facilities fees.

Public Works

7. The applicant shall comply with all of the requirements of the County Public Works Department.
8. The applicant shall submit a drainage plan for review and approval by the County Public Works Department.
9. A sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.

Conditions to be completed during project construction

Building Height

10. The maximum height of the project is 24 feet from centerline of the fronting street.

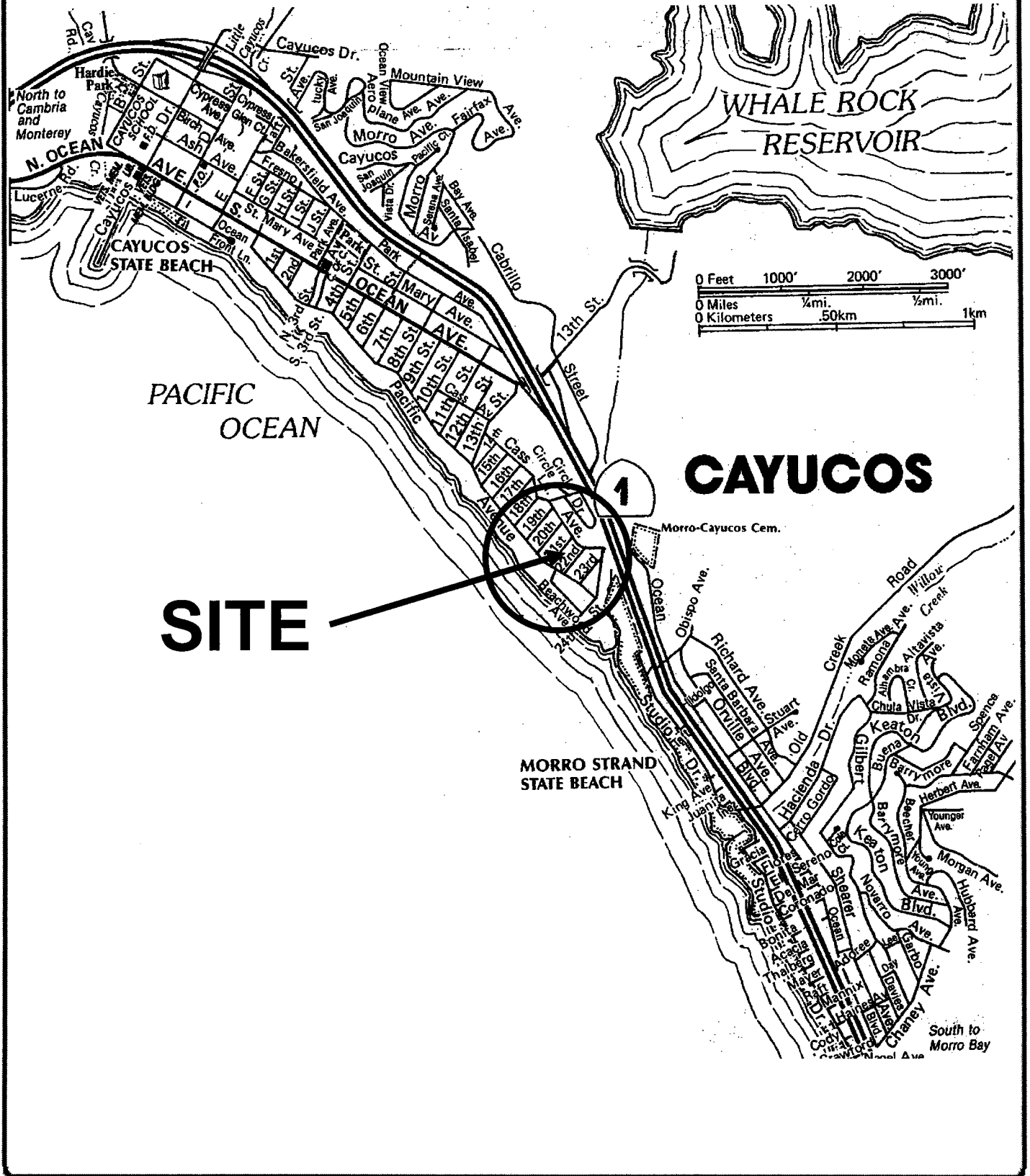
- a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.
11. Electric, cable and telephone lines shall be installed underground.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

12. The applicant shall obtain final inspection and approval from Cayucos Fire Department of all required fire/life safety measures.
13. A Final Will-Serve letter shall be issued when all conditions have been met; Final Will-Serve fees have been paid; and physical connection (at owners expense) has been made and inspected by the Cayucos Sanitary District. The County shall not allow final occupancy until they have received a Final Will-Serve letter issued by the district.
14. The applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

15. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
16. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.



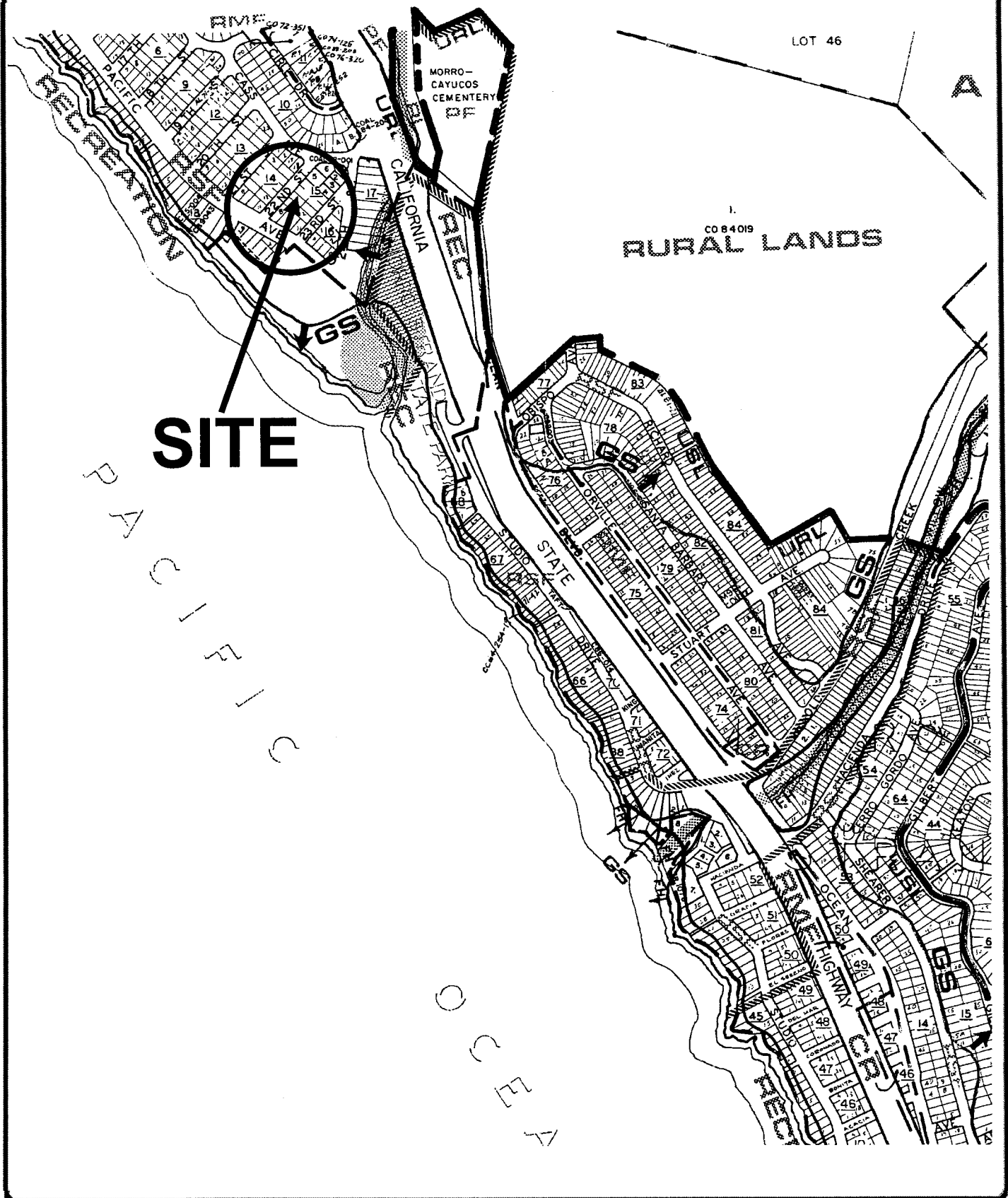
PROJECT

Minor Use Permit
Choboian DRC2004-00109



EXHIBIT

Cayucos Vicinity



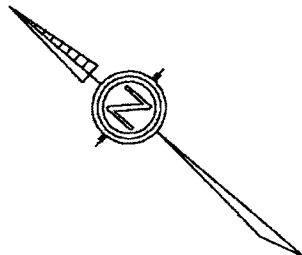
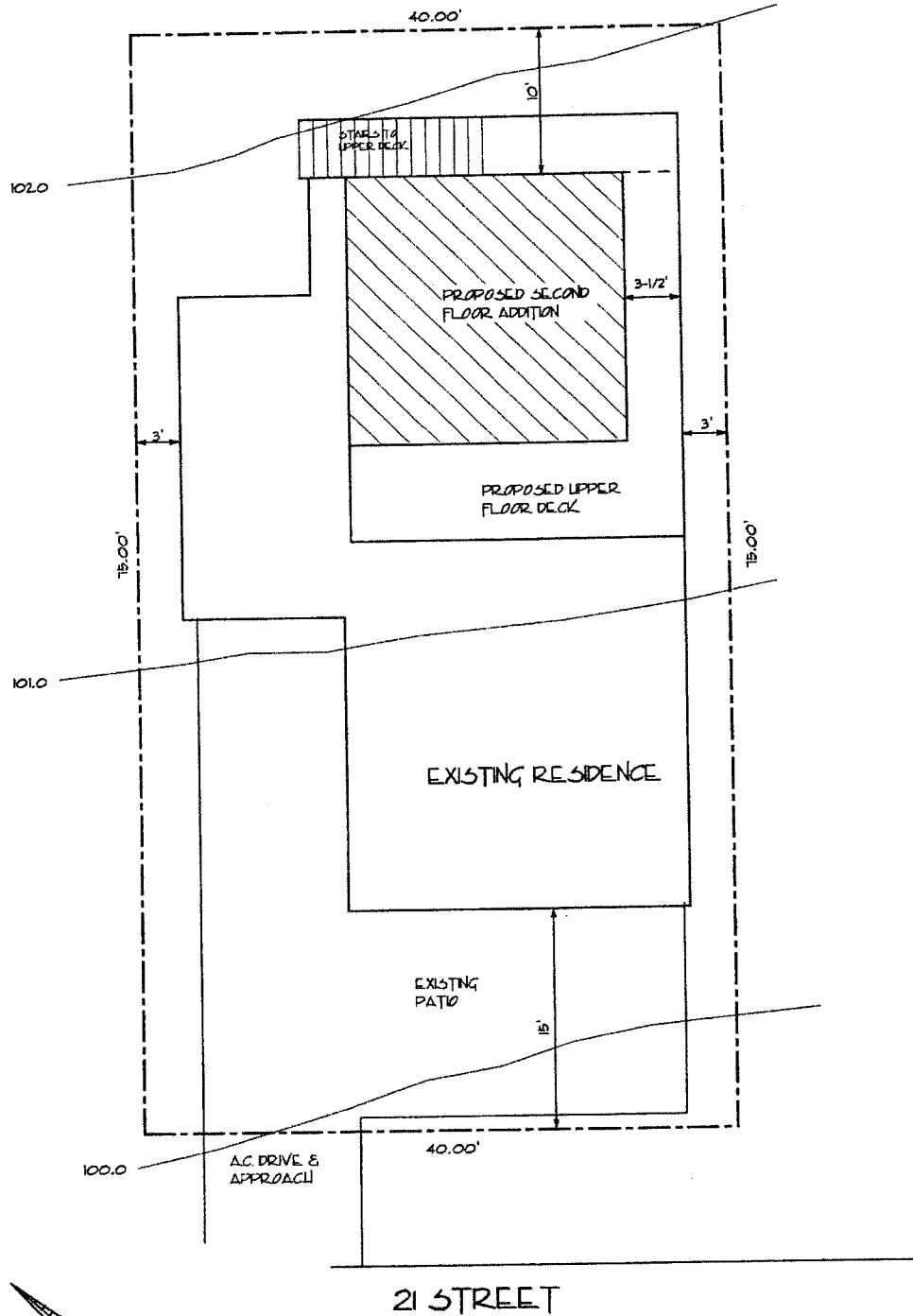
PROJECT

Minor Use Permit
Choboian DRC2004-00109



EXHIBIT

Land Use Category



PROJECT

Minor Use Permit
Choboian DRC2004-00109



EXHIBIT

Site Plan

Minor Use Permit
Choboian DRC2004-00109

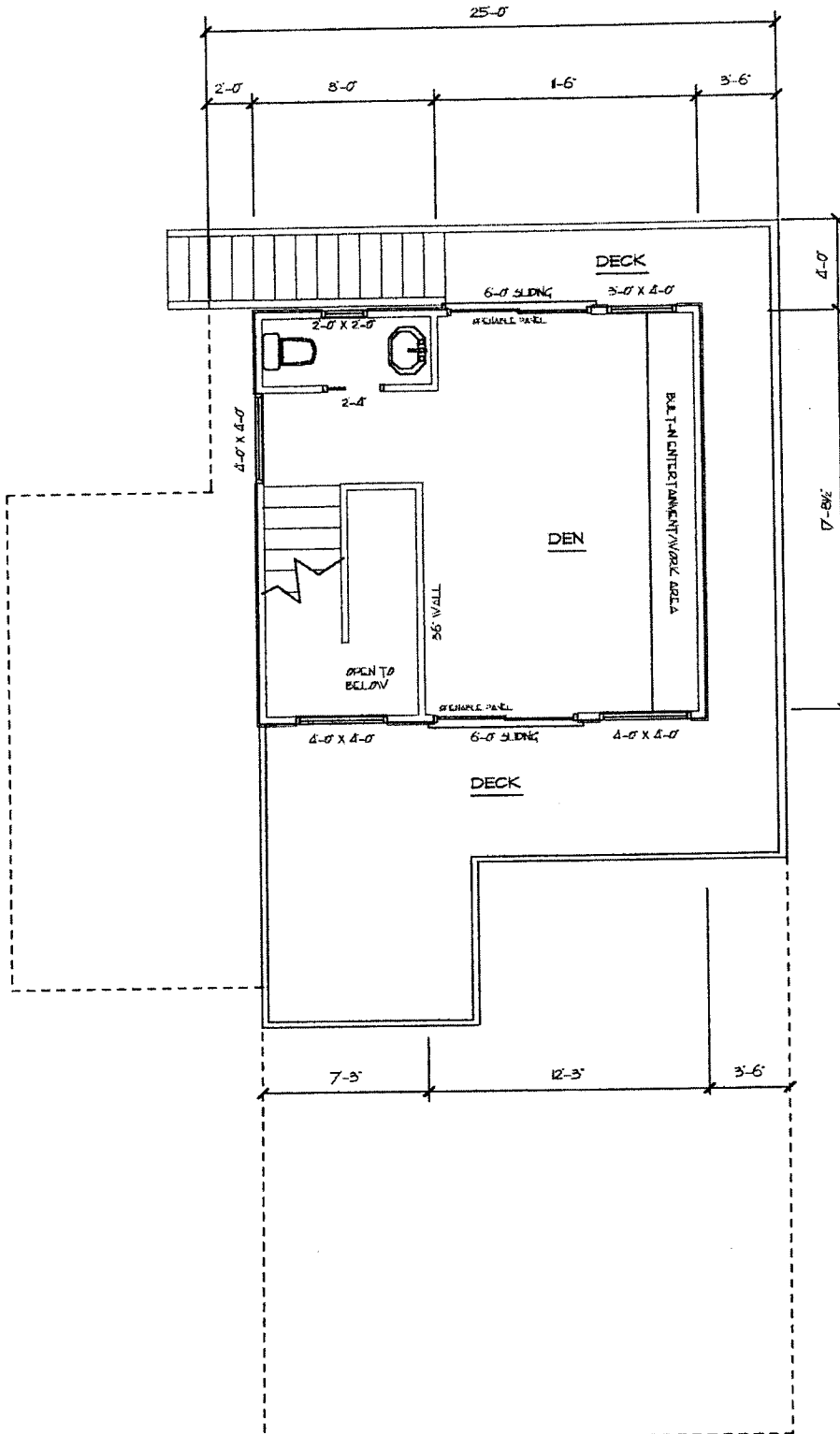


Existing Floor Plan

Minor Use Permit
Choboian DRC2004-00109



Revised Lower Floor Plan



PROJECT

Minor Use Permit
Choboian DRC2004-00109



EXHIBIT

Upper Floor Plan

PROJECT

Minor Use Permit
Choboian DRC2004-00109

**EXHIBIT**

Elevations

